

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK SHAUN LOVEDAY,

Petitioner,

No. CIV S-05-0105 GEB DAD P

vs.

M. YARBOROUGH, Warden,

Respondent.

FINDINGS & RECOMMENDATIONS

By order filed April 24, 2006, petitioner was ordered to file his opposition or statement of non-opposition to respondent's December 6, 2005 motion to dismiss within twenty days, and that failure to comply with the court's order would result in a recommendation that this action be dismissed without prejudice. The twenty day period has now expired, and petitioner has not responded to the court's order.

Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, petitioner may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's

Findings and Recommendations.” Petitioner is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: May 24, 2006.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

DAD:4  
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